

EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
ROCKFORD DIVISION**

In re:

X-CALIBER FUNDING, LLC, as servicer for
XCAL 2019-IL-1 MORTGAGE TRUST, a New
York trust,

Plaintiff,

v.

EL PASO HCC, LLC, *et al.*

Defendants.

Case No. 3:24-cv-50034

Judges Honorable Iain D. Johnston
and Honorable Margaret J. Schneider

RECEIVER'S FIRST REPORT

Michael F. Flanagan, the court-appointed Receiver (the “Receiver”) over the above-captioned defendants (each a “Defendant”), files this First Report:

BACKGROUND

1. On January 25, 2024, the Court entered its *Order Appointing Receiver* appointing the Receiver (the “Receivership Order”).
2. The receivership estate includes eight (8) long term care facilities (each a “Property” and collectively, the “Properties”) located throughout the State of Illinois.¹
3. Upon being appointed, the Receiver entered into a Management Agreement with Walnut Creek Management Company, L.L.C. to oversee the day to day operation of the Properties in accordance with the Receivership Order.

¹ A complete list of Defendants and Properties is included in the Receivership Order.

4. Since January 25, 2024, Plaintiff has made advances to cover working capital needs and has committed to advance such other funds as are necessary to cover operating shortfalls during the pendency of this receivership action. Receiver's Certificates evidencing such advances will be filed with this Court.

5. Since being appointed, the Receiver has notified the Illinois Department of Public Health in writing of the Receiver's appointment.

6. Regulatory counsel has been retained to assist with certain regulatory matters.

7. Receiver has gained control of the bank accounts at Bank United and is utilizing those accounts in the day to day operation of the Properties.

8. Professional liability and general liability insurance has been secured for the Properties effective as of February 29, 2024. Property Casualty and auto insurance is in full force and effect.

9. Payroll continues to be made in the normal course of business and there has been no disruption to employees or residents as a result of the Receiver's appointment.

10. The Receiver has engaged Scott & Kraus to serve as counsel to the Receiver.

11. On March 20, 2024, Defendants were included in a larger Chapter 11 bankruptcy case filed by approximately 140 Petersen Healthcare's entities in the United States Bankruptcy Court for the District of Delaware in an action styled: In re: SC Healthcare Holding LLC, et al., Debtors, Case No. 24-10443 (Jointly Administered).

12. Defendants have agreed to allow Receiver to remain in place and in control of the Properties pending the Bankruptcy Court ruling as to whether the Receiver will be required to turnover possession of the Properties back to Defendants.

CERTIFICATE OF SERVICE

I, Haley J. Mulherin, an attorney, state I caused a copy of the aforementioned Notice of Filing and Receiver's First Report to the below service list by the Court's ECF system on those parties entitled to electronic service on March 25, 2024.

/s/ Haley J. Mulherin

Haley J. Mulherin

Service List

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
ROCKFORD DIVISION**

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X-CALIBER FUNDING, LLC, as servicer for)	
XCAL 2019-IL-1 MORTGAGE TRUST, a)	
New York trust,)	Case No. 3:24-cv-50034
)	
Plaintiff,)	
vs.)	Judges Honorable Iain D. Johnston and
)	Honorable Margaret J. Schneider
EL PASO HCC, LLC, et al.,)	
)	
Defendants.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on March 25, 2024, we caused to be filed with the United States District Court, Northern District of Illinois, Receiver's First Report, a copy of which are attached hereto and served upon you.

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Respectfully submitted,

By: /s/ Haley J. Mulherin
One of the Attorneys for
Michael J. Flanagan, Receiver

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